

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services - DME Sri Dr.D.Sreedhar, Professor of Neurology, Rangaraya Medical College, Kakinada - Unauthorised absence from duty while working as Professor of Neurology - Removal from Service - Orders of Hon'ble High Court of Telangana in WP No.5760 of 1999 - Punishment modified as Compulsory retirement - Orders - Issued.

HEALTH, MEDICAL & FAMILY WELFARE (VC.I) DEPARTMENT

G.O.Rt.No. 137

Dated:26.02.2024

Read the following:

1. G.O.Ms.No.175, HM&FW (A1) Department, dated:23-03-1994.
2. Hon'ble High Court of Telangana orders dated:28.12.2021 in WP No.5760 of 1999.
3. From the Director of Medical Education, Telangana State, Hyderabad addressed to DME, AP Lr.Rc.No.18351/VC.B/2022, dated:20.06.2022.
4. From the DME, AP, Vijayawada, e.file bearing with Computer No.1834199.
5. From Dr.D.Sreedhar, Professor of Neurology, Rangaraya Medical College Kakinada, Representation dated:24.03.2023.

ORDER:

In the reference 1st read above, Government have imposed punishment of removal from service against Dr.D.Sreedhar, Professor of Neurology, Rangaraya Medical College, Kakinada (under orders of removal from service) for his unauthorised absence of duties from 27-05-1989 and also ordered that the period of unauthorised absence of duties from 26-05-1989 be treated as "Dies-Non" under F.R 18.

2. Dr.D.Sreedhar, Professor of Neurology, Rangaraya Medical College, Kakinada (under orders of removal from service) has filed WP No.5760/1999 before the Hon'ble High Court in the combined State of Andhra Pradesh for the granting of following relief:

"to issue a Writ, order or direction more in the nature of Writ of Certiorari calling for the records relating to the order of the Tribunal dated: 31.12.1998 in O.A.Ms.No.175 dated: 23.3.1994 as illegal, bad, arbitrary and violative of Articles 14 and 16 of the Constitution of India with all consequential benefits such as service arrears of pay promotion etc and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. In the reference 2nd read above, the Hon'ble High Court of Telangana in WP No. 5760 of 1999, dated 28-12-2021 inter-alia ordered as follows:

"....In the facts of this case we are of the opinion that the punishment of compulsory retirement be imposed in the place of removal from service, coming into effect from the date of removal and it is accordingly ordered. The respondents (R-1 Principal Secretary to Government, Government of Telangana, HM&FW Department, Secretariat, Hyderabad: R-2 Director of Medical Education, Telangana; R-3 Secretary, Telangana Public Service Commission, Hyderabad) directed to work out the retirement benefits payable to the petitioner for the service rendered till the said date and they shall be paid within a period of four months from the date of receipt of copy of this order. It was also made clear that computation of service and other benefits shall be notional and for determination of monthly pension, and petitioner is entitled to monthly pension only from 01-01-2022. He is not entitled to arrears of amount..."

4. In the reference 3rd read above, DME, Telangana State has forwarded the proposal to the Director of Medical Education, Andhra Pradesh stating that since the last place of working of the Individual is Rangaraya Medical College Kakinada which is in the administrative purview of the Andhra Pradesh for taking further action in the matter.

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5. In the reference 4th read above, the Director of Medical Education, Andhra Pradesh, Vijayawada while enclosing the facts of the case, has requested the Government to permit the DME, AP for forwarding the pension proposals to the Accountant General (A&E), AP in respect of Dr.D. Sreedhar, Professor of Neurology in compliance to the orders issued by the Hon'ble High Court, Hyderabad in WP No. 5760 of 1999 dated:28-12-2021.

6. In the reference 5th read above, Dr.D.Sreedhar, Professor of Neurology, Rangaraya Medical College, Kakinada (under orders of removal from service) has requested the Government to issue necessary Instructions for payment of pensionary benefits as per the orders of the Hon'ble High Court in WP No.5760/1999.

7. After careful examination of the matter Government hereby decide to implement the orders of Hon'ble High court of Telangana in WP No. 5760 of 1999, dated: 28-12-2021.

8. Accordingly, Government hereby modify the punishment of removal from service imposed in the reference 1st read above to that of Compulsory retirement in respect of Dr.D.Sreedhar, Professor of Neurology, Rangaraya Medical College, Kakinada and the unauthorized absence period of the individual if any is treated as "Dies-Non".

9. The Director of Medical Education is directed to take necessary action for payment of retirement benefits as per Rule 39 of APRPS, 1980 to the individual. The Individual is entitled to monthly pension w.e.f 01-01-2022 only and he is not entitled to arrears of amount.

10. The Director of Medical Education, Andhra Pradesh, Vijayawada shall take further necessary action in the matter, accordingly.

11. This order issues with concurrence of the Finance Department vide their U.O.No. FIN01-HROMISC/132/2023-HR-III, Dated:23.01.2024. (Computer No:2276330).

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr MANJULA D HOSMANI
SECRETARY TO GOVERNMENT**

To

Sri Dr.D.Sreedhar, Professor of Neurology, Rangaraya Medical College,Kakinada
through the Director of Medical Education, AP, Vijayawada.

The Director of Medical Education, AP, Vijayawada.

Copy to:

The Director of Medical Education, Govt. of Telangana, Hyderabad.

The OSD to Hon'ble Min (HFW&ME).

The PS to Secretary to Government, HM&FW Department.

SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER